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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 12-00197 YGR
Plaintiff,	)	
v.	)	STIPULATION AND <del>PROPOSED</del>
	)	PROTECTIVE ORDER REGARDING
	)	DISCLOSURE OF CERTAIN FILES
ERNESTO DELATORRE, JR.,	)	
ANTONIO PENA CONTRERAS,	)	
a/k/a "La Borrega," and	)	
JOSE MENDOZA MORENO,	)	
Defendants.	)	

With the agreement of the relevant parties, and with the consent of defendants Antonio Pena Contreras and Jose Mendoza Moreno, the Court enters the following order:

Defendants Antonio Pena Contreras and Jose Mendoza Moreno have requested Rule 16 discovery and the United States is willing to produce, and has already produced most of, the requested discovery. The United States is in possession of certain documents and one DVD (all items Bates stamped with the prefix ED-PO- ) that it also intends to produce to defendants Contreras and Moreno. These items contain sensitive law enforcement information.

Accordingly, the United States requests, and the defendants agree, that disclosure of all materials

PROTECTIVE ORDER  
CR 12-00197 YGR

1 bearing Bates stamp numbers with the prefix ED-PO- be subject to the following restrictions:

2 1. Except when being actively examined for the purpose of the preparation of  
3 the federal defense of the defendants in the above-captioned case, the information produced  
4 by the United States to defense counsel shall be maintained in a locked safe, secure  
5 drawer, or cabinet, which is accessible only to defense counsel and counsel who are  
6 members of their case preparation team working with them in the federal criminal  
7 defense of the defendants. Defense counsel and members of their case preparation team  
8 shall not permit any person access of any kind to the information except as set forth  
9 below.

10 2. The following individuals may examine the information for the sole purpose of  
11 preparing the federal defense of the defendants in the above-captioned case and for no other  
12 purpose:

- 13 a. Counsel for the defendants and other attorneys  
14 employed by the same law firm;
- 15 b. Persons employed, or who have been contracted to work on this case, by  
16 defense counsel who are assisting with the preparation of the defendants'  
17 federal defense in the above-captioned case;
- 18 c. Any expert(s) retained on behalf of the defendants to assist in the federal  
19 defense of the above-captioned case;
- 20 d. Any investigator(s) retained on behalf of the defendants to assist in the  
21 federal defense of the above-captioned case; and
- 22 e. Defendants Antonio Pena Contreras and Jose Mendoza Moreno, who may  
23 examine the information only in the presence of counsel, and who may not  
24 personally receive or keep any copies of the information.
- 25 f. Counsel for the defendants shall maintain a log of any copies made,  
26 provided, and/or examined to or by any of the aforementioned individuals,  
27 which log shall include the document(s) copied or examined and the  
28 person(s) provided to for each copy made.

- 1           3.     A copy of this order shall be maintained with the information at all times.
- 2           4.     All individuals who receive access to the materials pursuant to this Order, prior to  
3 receiving access to the materials, shall sign a copy of this order acknowledging that:
- 4                 a.     They have reviewed the order;
- 5                 b.     They understand all its contents;
- 6                 c.     They agree that they will only access the information for the  
7 purposes of preparing a federal defense for the defendants in the  
8 above-captioned case;
- 9                 d.     They understand that failure to abide by this order may result in  
10 sanctions by this Court and criminal charges for contempt.
- 11          5.     With regard to the orders signed pursuant to paragraph 4, counsel for the  
12 defendants shall maintain these signed copies with the information to which it applies. The  
13 United States shall have no access to these signed copies without further order of the Court.
- 14          6.     No other person may be allowed to examine the material without further court  
15 order. Examination of the information shall be done in a secure environment which will not  
16 expose the materials to other individuals not listed above.
- 17          7.     Other than the copies authorized and logged in paragraph 2, no copies of any of  
18 the information may be made without further court order.
- 19          8.     Any pleadings that include or make reference to the information, or the  
20 above-described orders or their contents, shall be filed under seal, absent express written  
21 stipulation by the parties.
- 22          9.     No person who has access to the information shall inform any individual not listed  
23 above as to the contents of the information disclosed in any manner, form, or fashion, whether  
24 written or oral. This obligation shall include suggesting in any way to an uncovered individual  
25 that any particular document has been provided.
- 26          10.    Counsel for the defendants, within five court days of the conclusion of the  
27 above-captioned proceedings before the district court shall retrieve all copies made of all  
28 documents provided to anyone pursuant to this order and maintain them in a secure environment

1 which will not expose the materials to any other person. By the same time, counsel for the  
2 defendants shall also file a sworn declaration indicating that all copies of the aforementioned  
3 materials have been retrieved and maintained in a secure environment which will not expose the  
4 materials to any other person. If the defendants believe that any of these materials must be  
5 released to any other person for any reason related to appeal, the defendants must seek  
6 authorization from the District Court.

7  
8 IT IS SO STIPULATED:

9 MELINDA HAAG  
10 United States Attorney

11 DATED: October 22, 2012

12 By:/s/ Brigid Martin  
13 BRIGID S. MARTIN  
14 Assistant United States Attorney

15 DATED: October 22, 2012

16 /s/ Kenneth Wine  
17 KENNETH WINE  
18 Attorney for Antonio Pena Contreras

19 DATED: October 22, 2012

20 /s/ Lidia S. Stiglich  
21 LIDIA S. STIGLICH  
22 Attorney for Jose Mendoza Moreno

23 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted  
24 as set forth above.

25 DATED: October 24, 2012

26   
27 HON. YVONNE GONZALEZ ROGERS  
28 United States District Judge